

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	Criminal No. CN. 22-223 (11) (NEB/TNL)
)	
Plaintiff,)	
)	DEFENDANT’S MOTION FOR
v.)	SEVERANCE AND SEPARATE
)	TRIAL
ASAD MOHAAMED ABSHIR,)	
)	
Defendant.)	

Defendant Asad Abshir, by and through his attorney, Douglas Olson, hereby moves the Court pursuant to Rules 8 and 14 of the Federal Rules of Criminal Procedure for an order directing a severance and separate trial for Mr. Abshir. This motion is made at this time to preserve the issue; counsel acknowledges that the motion and its various grounds are in the incubation stage as the case develops. However, in order to avoid waiver and preserve the issue, as well as highlight counsel’s severance concerns, counsel is filing the motion at this time and suggests that there are numerous grounds for a severance and separate trial for Mr. Abshir including: 1) he is not properly joined for trial with several of the other defendants on various counts under Rule 8(b) of the Federal Rules of Criminal Procedure; 2) that the jury will have insurmountable difficulty distinguishing the alleged acts of Mr. Abshir from the alleged acts of his co-defendants (i.e., the compartmentalizing evidence problem); 3) much prejudicial evidence will be introduced as to other co-defendants which would be inadmissible against Mr. Abshir in a separate trial; 4) the specter of *Bruton* and confrontation problems concerning co-

defendant statements; and 5) it is possible that there exists exculpatory testimony which would be available in a separate trial, which would not be available in a joint trial. This list is certainly not exclusive, but the concerns are valid; the complexity of this case suggests that Mr. Abshir will have a difficult time having a fair trial and fair individual consideration if joined together with his dozen or more co-defendants. In short, a joint trial with all the other co-defendants in this case would be prejudicial to Mr. Abshir, and, as such, he requests that he be tried alone.

No oral argument or hearing is requested on this motion and the parties have agreed that the court may consider this motion on the pleadings.

Dated: December 15, 2023

Respectfully submitted,

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